INTERNAL AFFAIRS BUREAU **IV 2152446**
INVESTIGATIVE SUMMARY

Subjects: **SHAW, Robert A. Jr., Deputy Sheriff, Employee #** [redacted]
BOSKET, Jeffrey, Deputy Sheriff, Employee # [redacted]

Date: **December 10, 2004, (Friday), 2223 hours**

Location: **West alleyway of Azusa Avenue, between 2nd and 4th Streets, Azusa, CA**

This case pertains to a deputy involved non-hit shooting that occurred on December 10, 2004, involving Deputies Robert Shaw and Jeffrey Bosket.

On December 10, 2004, at about 2223 hours, S.S.B. Deputies Robert Shaw and Jeffrey Bosket were involved in a non-hit shooting occurring in the city of Azusa, California.

Deputy Robert A. Shaw Jr. and his partner, Deputy Jeffrey Bosket, were driving in their marked patrol car, in the city of Azusa, [redacted] While driving westbound 2nd Street from Alameda Avenue, they saw a red compact vehicle stopped in the alley way, just north of 2nd Street. Two Hispanic males with shaved heads were walking south in the alley toward the red car, and a Hispanic female, holding a bottle of beer, was standing near an open metal sliding gate, one or two residences north of the vehicle.

Both males approached the vehicle. One male sat in the driver's seat and the other male, carrying an opened bottle of beer, opened the passenger's door and leaned into the vehicle compartment.

Deputies Shaw and Bosket approached the vehicle to investigate. Deputy Bosket, the driver, stopped the patrol car behind the suspect vehicle and turned on the overhead lights. Bosket ran the vehicle's license plate number, exited from the vehicle and approached the driver's side. Deputy Shaw, the book man, approached the passenger, Suspect Ruben Rojas. Suspect Rojas suddenly stood up and turned to face Shaw. Rojas then put his head down and charged directly at Shaw, punching and kicking Shaw in the face and upper body. Deputy Shaw punched back with both fists and struck Rojas numerous times in the face. Deputy Shaw, while holding his departmentally approved flashlight in his left hand, struck Rojas in the back of the head.

Upon being struck with the flashlight, Rojas broke away and ran northbound in the alley way. As Rojas ran, he discarded an object against a steel sliding gate and continued running north in the alley. The object was later determined to be a black glove containing live shotgun rounds.

Suspect Rojas ran, followed by both deputies, for about one hundred and fifty feet to an alcove

between two apartment buildings. Deputies Shaw and Bosket slowed as they approached the corner where the suspect was last seen and when they were within approximately ten feet of the alcove, Rojas suddenly ran back into the alley way. Shaw saw that Rojas was holding a long- barreled weapon. Rojas made a sweeping motion with the weapon as he entered the alley, pointing the gun at Shaw and his partner. Shaw, fearing for his safety, fired one round at Suspect Rojas, missing him.

Suspect Rojas continued running northbound on Azusa Avenue for several blocks where he discarded the shotgun in a planter. Deputy Bosket, put out an emergency radio broadcast for assistance, and both deputies pursued Rojas on foot for two more blocks. When both deputies approached 4th Street and the alley way, Deputy Shaw's portable radio fell off of the belt clip and bounced on the street in front of Deputy Bosket. The radio's microphone cord became entangled in Deputy Bosket's legs and tripped him onto the ground. Deputy Shaw continued chasing the suspect to Alameda Avenue, where he caught up with him to the rear of [redacted] Suspect Rojas attempted to climb over a fence and when his attempt failed, Rojas turned and charged at Deputy Shaw. Deputy Shaw kicked Rojas once in the chest and the suspect fell to the ground, ceased resisting and attempting to flee. Shaw took Rojas into custody without further incident.

Deputy Bosket directed an Azusa Police Department officer to secure Bosket's patrol car in the alleyway. When the Azusa officer arrived at Bosket's vehicle, the red Nissan and other vehicle were gone, along with the males and female seen by Bosket and Shaw.

It was determined that Rojas discarded clothing and additional shotgun rounds, along with a bag of individually packaged bags of Methamphetamine, along the path of the foot pursuit. The foot pursuit was approximately 2400 feet in length.

On July 28, 2005, Internal Affairs Bureau Sergeant Larry Landreth presented the details of the incident to the members of the Executive Force Review Committee. Commanders Jurado, Binkley and Smith evaluated the incident and ordered an administrative investigation naming Deputies Shaw and Bosket as subjects of the investigation.

IAB Note: for the complete details of the incident refer to Exhibit A, a copy of the Leadership & Training Division Response Team Incident Summary.

The allegations in this case are on December 10, 2004, Subjects Robert Shaw Jr. And Jeffrey Bosket violated Manual of Policy and Procedures sections, *3-01/050.10, Performance to Standards*, as it relates to *5-09/220.50, Foot Pursuits*, in his decision to chase after the single male, who had assaulted Deputy Shaw, while not detaining the other male and female who remained at the vehicles. The subject's failure to remain, detain and set up a containment resulted in the allegation. The Board requested an investigation into the allegation that Deputy Shaw became separated from his partner, Deputy Bosket, when Bosket became entangled in Shaw's radio microphone cord and fell, while

continuing to pursue the suspect. Subject Shaw also effected the arrest of the suspect after physically confronting the suspect and taking him into custody without backup.

It is alleged that on December 10, 2004, Subject Jeffrey Bosket violated Manual of Policy and Procedures section *3-01/050.10, Performance to Standards, as it relates to 5-09/220.50, Foot Pursuits and 3-01/040.45* and *Safeguarding of County Property, Money and Evidence* as it relates to his decision to pursue the single male suspect and not establish a containment to capture the male who fled, while not detaining the other male and female who remain at the vehicles. Subject Bosket left his patrol car, unattended and unsecured during the foot pursuit.

Sergeant Larry Landreth was tasked with the investigation to determine if both subjects violated Department policy.

SUBJECT INTERVIEWS

SUBJECT - DEPUTY ROBERT A. SHAW JR., #[redacted], was interviewed on October 5, 2005. The interview took place at the offices of the Internal Affairs Bureau. Subject Shaw was represented by Ms Helen Schwab, of the Law Firm of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided.

In Subject Shaw's interview he said regarding the first observation of the suspect, that they saw the individuals around the red compact car, he and Subject Bosket decided to contact them. Shaw said when they drove up on the red vehicle, Suspect Rojas did not look at them and walked to the passenger door of the red car. The other male walked toward the driver's door of the car. Shaw said he told Bosket that he would contact the passenger and Bosket should approach the driver, as they had done many times in the past, working as partners. Shaw said as he approached Rojas, the female suspect moved away from the vehicle, and stood by a sliding gate just north of their location.

When Suspect Rojas suddenly attacked him, Shaw chased after him because Rojas had just feloniously assaulted him. Shaw said the only violations the male and female suspects committed were to possess an open beer container in public and illegal parking. Shaw said the male posed a much greater threat to him and Subject Bosket. Shaw admitted he turned his back on the other suspects when he chassed after Suspect Rojas.

Subject Shaw said he did not look back at the two suspects. Shaw heard Subject Bosket talking on the radio, but he did not know what Bosket told SCC. Shaw said he was aware that Bosket was behind and to his left, when they approached the alcove. When the suspect jumped out and pointed the shotgun at them, Subject Shaw fired one round at Suspect Rojas. Rojas turned and ran northbound into the alleyway. Subject Shaw said he did not consider stopping or communicating with SCC to coordinate with responding units, or establish a containment to lock the suspect down because his assisting units were several minutes away.

Shaw said he decided to follow the suspect, keeping at a safe distance behind him until the assisting units were in the area and a containment could be set up. Shaw said he and Bosket followed the suspect, often times at a slow pace to wait for the assisting units. When they approached the alleyway and Fourth Street, Shaw heard Bosket say that he was down. When Shaw turned to look at Bosket, Bosket was down on one knee and appeared to be standing back up. Shaw said he asked Bosket if he was "ok", and believed Bosket told him he was. Shaw turned his attention back toward the suspect and followed him to Alameda Avenue. When Shaw went south on Alameda he did not turn around to see where Subject Bosket was. Shaw said he was not aware he had lost his entire radio. He believed his microphone had slipped off of his jacket and was hanging somewhere at his side.

Shaw continued to follow the suspect south on Alameda and he could hear sirens approaching from the distance. He could not hear any radio traffic but he continued to follow the suspect. He saw Suspect Rojas enter a yard at [redacted] and kept him under surveillance. Shaw said he looked back and north, and could not see Bosket anywhere. Shaw watched as the suspect attempted to scale a wall but appeared not to have the strength to do so. Shaw said he looked for his radio and discovered it was not attached at his belt. Subject Shaw said he did not consider yelling out loudly for Bosket.

Shaw said he believed the suspect was a serious threat to both him and the public-at-large so he decided to approach and order the suspect down onto the ground at gunpoint. Shaw was about fifty feet from the suspect when Rojas first appeared to comply by laying down. Rojas suddenly got up and started to quickly walk toward Subject Shaw. Shaw said he did not consider backing up to open the distance between him and Rojas. When Suspect Rojas got within a few feet of Shaw, Shaw kicked him in the chest, knocking Rojas back and Rojas laid down on the ground. Shaw took Rojas into custody by handcuffing him and walked him out onto Alameda Avenue. Shaw saw a police car, summoned it and placed Rojas in the back seat.

IAB Note: To review a complete transcription copy of Subject Shaw's IAB interview, see the attached copy of the interview.

SUBJECT - DEPUTY JEFFREY BOSKET, #[redacted], was interviewed on October 5, 2005. The interview took place at the offices of the Internal Affairs Bureau. Subject Bosket was represented by Ms. Helen Schwab, of the Law Firm of Green & Shinee. The interview was digitally recorded and a copy of the transcribed interview is provided.

Subject Bosket said he and Shaw both decided to contact the two male and female suspects standing next to the red subcompact car in the alleyway. Bosket ran the license on the M.D.T. but did not wait for the return. When Bosket approached the driver, he ordered him to show his hands. Bosket saw the female standing in front of the red car, still holding onto a beer can and looking as if she was uninterested in what was occurring. The driver complied and Bosket looked over to Shaw and saw

Shaw involved in a violent fight with the other male. Bosket ran toward Shaw and saw Suspect Rojas run north in the alleyway. Subject Bosket said he left the patrol car open to follow Shaw. He was unsure if the car was running with the key in the ignition. Bosket said he was about to broadcast to SCC that they were initiating a foot pursuit when The female suspect screamed and ran toward a sliding gate, opened it, entered, and closed it behind her. Suspect Rojas threw something on the ground that struck the metal sliding gate. Bosket slowed and illuminated the object. He saw that it was a glove with some shotgun rounds; Comforted by the fact it was not a weapon that could be used against them by Rojas or the other male suspect. Bosket was behind Shaw when Rojas entered the alcove. They approached the alcove cautiously and Suspect Rojas suddenly reappeared from the alcove. Bosket heard a single gunshot and asked Shaw who has shot. Shaw told him he had and the suspect was armed. Bosket radioed the emergency traffic of the deputy involved shooting with a suspect description, location and direction of travel.

IAB Note: There is an audio recording of the radio traffic to support Subject Bosket's statement.

Subject Bosket said they kept their distance behind Suspect Rojas and followed him. Bosket said he did not consider stopping and coordinating a containment because there were no assisting units nearby. He said that units from San Dimas Station were at least five minutes away. Bosket said he and Shaw talked the entire time they followed the suspect, from Third Street and Azusa Avenue until the alley way and Fourth Street. They began to sprint after the suspect as he went eastbound on Fourth Street. At Fourth and the east alleyway of Azusa Avenue, Subject Shaw's hand-held radio came out of the belt holder and struck the ground next to Subject Bosket. The microphone cord wrapped around Bosket's legs and he fell to the ground. Bosket yelled out to Shaw that he was down and Shaw looked back in his direction. Shaw asked if Bosket was all right and Bosket said he was. Bosket believed he would simply be able to stand up, but when he tried, he found that the cord was tightly wrapped around his ankles. Shaw continued to follow the suspect, at a walk, toward Alameda Avenue.

When Bosket was able to free himself, he ran to the corner of Alameda Avenue and Fourth Street searching for Shaw. Bosket could not see Shaw or the suspect, and he called out to Shaw several times without a response from Shaw. Bosket next heard from Shaw about 1 ½ to 2 minutes later when a San Dimas Station sergeant radioed that the suspect was in custody and Subject Shaw was all right. Subject Shaw then radioed to Bosket that he was at [redacted] and Bosket met up with him there. Bosket said that he was only truly separated from Shaw for a period of between 1 ½ to 2 minutes.

IAB Note: To review a complete transcription copy of Subject Bosket's IAB interview, see the attached copy of the interview.